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**FISCAL IMPACT STATEMENT**

**LS 7316**

**BILL NUMBER:** HB 1459

**NOTE PREPARED:** Jan 10, 2011

**BILL AMENDED:**

**SUBJECT:** Residence of Incarcerated Persons.

**FIRST AUTHOR:** Rep. Brown C

**FIRST SPONSOR:**

**BILL STATUS:** As Introduced

**FUNDS AFFECTED:** ☒ **GENERAL**  
☒ **DEDICATED**  
**FEDERAL**

**IMPACT:** State & Local

**Summary of Legislation:** The bill provides a process for adjusting the population count provided by the United States Bureau of Census (USBOC) for purposes of legislative and local government redistricting by classifying an incarcerated or lawfully detained person as a resident of the person's last known address before the person was incarcerated or lawfully detained rather than a resident of the facility in which the person is incarcerated or lawfully detained.

**Effective Date:** July 1, 2011.

**Explanation of State Expenditures:** *Summary:* Department of Correction (DOC)- The DOC could provide offenders' DOC numbers or a part of offenders' social security numbers as unique identifiers. However, the DOC may have to reclassify their race classifications in order to comply with USBOC classifications. This could require modification to DOC race data collection procedures. The impact of this provision on DOC expenditures is unknown. *This impact statement will be updated as additional information is made available.*

Election Division- The Election Division (ED) would be required to gather incarceration data from the DOC and lawful detainee data from county executives. The ED would have to send the data collected from both sources to county election boards.

Office of Census Data (OOCDD)- The OOCDD would require an increase in staff time to make the adjustment of moving incarcerated persons from the census block containing their address of incarceration to the block containing their last known residential address. The amount of time required would depend on the compatibility of the data.

Census Data Advisory Committee (CDAC)- The bill would require the CDAC to work with the OOCDC on residency of incarcerated persons. The CDAC would be able to meet the requirements of this provision.

**Background Information-**

DOC Commitments- Average Daily Membership for 2009 for all DOC facilities was 15,911. The DOC processes new commitments upon arrival at a DOC facility, which can last up to two weeks. Typically, the data collected from each new inmate occurs during this two-week period. The inmate's race is generally self-reported.

Note- There USBOC's minimum race classifications are different from the data collected on inmates by the DOC. The following table illustrates the differences between DOC and USBOC race classifications.

<b>Comparison of Race Classifications of Indiana Department of Correction and U.S. Bureau of Census.</b>	
<b><u>Indiana Department of Correction</u></b>	<b><u>U.S. Bureau of Census Has Equivalent</u></b>
White/Caucasian	Yes
Asian	Yes
Black/African American	Yes
American Indian/Alaskan Native	Yes
Hispanic/Latino	No*
Pacific Islander	Yes
Two or more Races, not of Hispanic Origin	No**
Asian/Pacific Islander***	n/a
Unknown	Yes, (Some Other Race)
* U.S. Census Bureau does not have a minimum race category for Hispanic/Latino. The Bureau does have an ethnicity category to indicate as either Hispanic or Non-Hispanic when selecting a category. ** The U.S. Census Bureau does allow persons to select more than one race when self identifying. *** No longer used, but may have offenders incarcerated with this code prior to its phase out of use.	

**Explanation of State Revenues:**

**Explanation of Local Expenditures: County Reports-** Counties would provide the same information required of the DOC for persons held in county jails. County Sheriffs would be able to generate the reports, as it is standard practice during booking to gather the information required by the bill.

There could be additional staff time required to generate the reports in the format necessary to meet the bill's requirements. Sheriffs could provide a unique identifier using a partial social security number, which is recorded during the booking process. However, the compatibility of the local data with the race

classifications of the USBOC could vary. As above with the DOC, some counties may need to update their race documentation protocol when taking in persons to be lawfully detained at a jail or other law enforcement facility.

County Election Boards- County election boards would require additional staff time to check the data received from the State Election Division as required by the bill. It is likely county election boards could accomplish this provision within existing resources. County election boards would then send the checked data on to the Office of Census Data.

**Explanation of Local Revenues:**

**State Agencies Affected:** DOC; Legislative Services Agency Office of Census Data.

**Local Agencies Affected:** County sheriffs, county election boards.

**Information Sources:** U.S. Bureau of Census; Aaron Garner, Indiana Department of Correction, 317-232-2249; Steve Luce, Executive Director, Indiana Sheriffs' Association, 317-356-3633; Maryland Department of Legislative Services: *Fiscal and Policy Note Senate Bill 400-2010*.

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